

### Chapter highlights

- **Purpose:** This chapter defines the authority of VITA to establish policies, standards and guidelines to enable state agencies and institutions to procure and execute binding contracts for information technology (IT) and telecommunications goods and services.
- **Key points:**
  - VITA has IT procurement authority for all executive branch agencies and institutions of higher education that are not exempt from VITA's authority.
  - Only VITA can establish statewide IT contracts.
  - Judicial, legislative branch and independent agencies are not subject to VITA's procurement authority; however, all agencies and public bodies may request VITA's assistance with IT procurement services.
  - The Chief Information Officer (CIO) of the Commonwealth is required to review all proposed IT projects and procurements over \$100,000 via the Agency Procurement Request (APR) process to ensure they conform to both the statewide and agency's information technology plans. Other procurement transactions requiring CIO approval are cooperative procurements, GSA Schedule 70 procurements and auctions.

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## 1.0 Introduction

The Commonwealth's Information Technology Procurement Manual (ITPM) is published by the Virginia Information Technologies Agency (VITA) under the authority of §§[2.2-2010](#) and [2.2-2012](#) of the *Code of Virginia*. Specifically, this manual is born of the directive provided in paragraph 5 of §[2.2-2010](#) of the *Code of Virginia*, which reads: "VITA shall [...] (5) Develop and adopt policies, standards, and guidelines for the procurement of information technology and telecommunications goods and services of every description for state agencies." The Commonwealth's Chief Information Officer (CIO) has assigned the Finance and Administration Directorate, Division of Supply Chain Management, with this duty.

Based on the foregoing, this manual establishes policies, standards and guidelines to be followed by state agencies and institutions when procuring information technology (IT) and telecommunications goods and services of every kind within their delegated authority limits or delegated authority limits determined by VITA. All VITA procurement policies and procedures contained within this manual comply fully with §§[2.2-4300](#) *et seq.* of the *Code of Virginia*, which contains the Virginia Public Procurement Act (VPPA). Throughout this manual, appropriate references are made to those procurement requirements specifically required by the *Code of Virginia* and the VPPA.

In 2002, the Virginia General Assembly transferred statewide authority for the procurement of IT and telecommunications goods and services from the Department of General Services to VITA's predecessor agency, the Department of Information Technology. This legislation (§[2.2-2011](#) and §[2.2-2012](#) of the *Code of Virginia*) enabled VITA to procure IT and telecommunications goods and services of every kind (i) for its own benefit or on behalf of other state agencies and institutions or (ii) by such other agencies or institutions to the extent authorized by VITA. The General Assembly established VITA as the statutory central procurement agency for IT to accomplish the following objectives:

- Enable the Commonwealth to consolidate and leverage its purchasing power for technology products and services;
- Embrace and implement innovative solutions and tools to meet the Commonwealth's technology and business needs;
- Emphasize customer and industry partner involvement;
- Increase the use and usefulness of statewide technology contracts by the Commonwealth's organizational entities;
- Develop best practice procurement methodologies and processes for effective and timely IT procurements; and,
- Reduce the risk to the Commonwealth from the dynamic changes in IT markets.

VITA is responsible for identifying, promoting and communicating the Commonwealth's procurement regulations and procurement best practices for IT sourcing and for developing

procurement policies, standards and guidelines to implement those into all Commonwealth's IT procurement practices. In addition to complying with statutory requirements, the policies, standards and guidelines included in this manual are based on generally accepted government and industry best practices for the procurement of IT and telecommunications.

VITA is the Commonwealth's statutory central procurement agency  
for IT and telecommunications goods and services.

The objective of this manual is to integrate the Commonwealth's procurement policies, regulations, standards and guidelines with the procurement industry's best practice IT concepts, standards, guidelines and tools to enable Commonwealth procurement personnel who participate in IT acquisitions to:

- Promote the acquisition of IT goods and services and telecommunications at competitive cost and with the least business and technology risk;
- Ensure that all IT procurements are conducted in a fair and impartial manner with avoidance of any impropriety or the appearance of impropriety;
- Provide all qualified vendors with access to public business and ensure that no offeror is arbitrarily or capriciously excluded;
- Ensure that competition is sought to the maximum feasible degree and that the Commonwealth is the beneficiary of the competitive process to the maximum degree;
- Promote transparency and openness;
- Drive administrative efficiency and effectiveness;
- Guard against favoritism, improvidence, extravagance, fraud and corruption;
- Ensure that the results meet the needs of the Commonwealth, agency or institution;
- Protect the interests of the Commonwealth and its citizens;
- Support VITA's and the Commonwealth's short- and long-term strategic IT objectives.

#### **VITA's key operating principles for IT procurement**

- Invite, promote and sustain positive customer and supplier relationships;
- Strive for *solution-* not *product-* oriented procurements;
- Develop business driven and managed acquisitions;
- Think "enterprise-wise" to effectively leverage the Commonwealth's buying power;
- Negotiate *performance-based* contract vehicles that are fair and effective;
- Make best-value award decisions based on total cost of ownership throughout the technology life-cycle;
- Invite and promote participation and relationships with small businesses;
- Take advantage of suppliers' expert IT knowledge to drive creative solutions and innovation;
- Use procurement processes and contract vehicles to cultivate a common enterprise architecture;
- Maintain and honor the integrity of the Commonwealth and the public procurement profession in every procurement; .
- Do all of the above while building and protecting public trust in accordance with the principles exemplified in the VPPA ([§2.2-4300](#) (B) and (C)).

### **1.1 VITA's statutory IT procurement authority and responsibility**

Pursuant to [§2.2-2012](#) of the *Code of Virginia*, VITA has sole authority to procure all IT and telecommunications goods and services (including applications) for executive branch

agencies and institutions of higher education except those explicitly exempted by the *Code of Virginia*.

Judicial, legislative branch and independent agencies are not subject to VITA's procurement authority; however, all agencies can request VITA's assistance with IT procurement services. VITA is the centralized procurement agency authorized to establish statewide contracts for IT and telecommunications goods and services. All agencies, institutions, localities and public bodies may utilize any statewide IT contracts developed by VITA. VITA may also enter into multiple vendor contracts for IT goods and services.

A procurement transaction, as described in the VPPA, includes all functions related to obtaining any good or service, such as description of requirements, solicitation and selection of sources, preparation of contract, contract signature and all phases of contract administration. Only VITA is authorized to engage in a procurement transaction for IT and telecommunications goods and services on behalf of the Commonwealth's executive branch agencies and institutions. Executive branch agencies and institutions do not have the authority to procure IT and telecommunications goods and services on their own behalf, unless such authority is explicitly delegated to them by VITA. When an agency is given delegated authority from VITA for a particular IT procurement or for IT procurements up to a certain delegated amount, the agency is required to follow VITA's procurement policies, standards and guidelines in conducting the procurement.

All procurements conducted by VITA are pursuant to the VPPA and any VITA-promulgated applicable rules or regulations.

## **1.2 Public-Private Education Facilities and Infrastructure Act (PPEA)**

All IT and telecommunications goods and services procured by an executive branch agency for the benefit of the Commonwealth pursuant to any PPEA effort are also subject to VITA's procurement authority. Further detail is provided in chapter 10 of this manual, General IT Procurement Policies, and on the SCM website at: [VITA: Public-Private Education Facilities and Infrastructure Act](#).

## **1.3 Purchase of personal computers**

[§2.2-2012](#) (B)(2) of the *Code of Virginia* states that if VITA, or any agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment under a blanket purchasing arrangement which public bodies, as defined in [§2.2-4301](#) may use, the agency may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

[§2.2-2012](#)(B)(1) of the *Code of Virginia* provides that VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased. VITA has administrative responsibility for [§2.2-2012 \(B\)\(1\)](#) and has developed processes for ordering and tracking the purchase of personal computers and related devices by public school teachers. VITA will provide assistance with the resolution of customer (teacher) complaints

and contract issues. VITA will negotiate modifications to existing PC contracts, if necessary, or establish new PC contracts as needed to provide for the use of PC contracts by licensed public school teachers. Further information can be found at this website location: [VITA: Virginia Teacher PC Purchase Program](#).

#### **1.4 In-scope/out-of-scope and VITA's procurement authority**

Although VITA, through its partnership with Northrop Grumman, provides IT services, including state network management, server and operational functions, VITA's procurement authority is much more encompassing. VITA is responsible for the procurement of all IT and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions. [§2.2-2012](#) of the *Code of Virginia* does not delineate VITA's procurement authority or responsibilities as "in-scope" or "out-of-scope", VITA is responsible for all IT procurement for all executive branch agencies and institutions (excluding those institutions of higher education which have signed management agreements with the Commonwealth.)

#### **1.5 Delegated IT procurement authority**

To promote cost savings and administrative efficiency, VITA has chosen to delegate some of its procurement authority back to agencies. This delegation may include the authority to procure agency-specific applications without VITA's direct oversight. Purchases from VITA-established statewide contracts may be made in any amount and do not require delegation. Agencies may request limited general procurement authority from VITA for a specific procurement. VITA may grant those requests. All such procurements made under a grant of limited procurement authority must be made in accordance with the policies, standards and guidelines in this manual. VITA is not required by the *Code of Virginia* to make these procurement delegations to agencies. At any time, VITA, may retract or amend those delegations, in whole or in part, or issue new delegations for certain IT commodities, etc., or for amounts other than the current delegation.

Agency personnel having "official responsibility" for procurement as defined in [§2.2-4368](#) of the *Code of Virginia* must comply with the VPPA and the policies, standards and guidelines set forth in this manual. Intentional violations will subject the responsible party or parties to suspension or removal from office under the provisions of [§2.2-1115](#) of the *Code of Virginia*.

#### **1.6 Process for requesting an exception to a VITA IT procurement policy or procedure**

If an agency head determines that compliance with a provision of any policy, standard or guideline contained in this manual would result in a significant adverse impact or hardship to the agency, the agency head may request approval to deviate from the procurement requirement by submitting an exception request to the CIO. Any exception request shall be in writing to the CIO from the agency head. Included in such request shall be a statement detailing the reasons for the exception needed, the significant adverse impact or hardship the agency would experience if VITA's procurement policy or procedure was followed and how the agency intends to procure the needed IT good or service. All exception requests shall be evaluated and decided upon by the CIO and the requesting agency shall be informed of the decision and action taken.

#### **1.7 Procurements subject to VITA'S procurement authority**

##### **[1.7.1 Information technology equipment, software and services](#)**

[§2.2-2006](#) of the *Code of Virginia* defines "information technology" as telecommunications, automated data processing, databases, the Internet, management information systems, and related information, equipment, goods, and services. This definition also includes computer

or telecommunications equipment; electronic word processing and office systems; or services used in connection therewith, including, but not limited to, all phases of computer software, applications and consulting services on all Commonwealth-owned computer equipment. Acquisition of computer or telecommunications equipment or services means the purchase, lease, rental, or acquisition in any other manner of any such computer or telecommunications equipment or services.

VITA's procurement authority also includes IT services. All technology services, whether for direct, hands-on skills such as application development and network support, or for such technology consulting services as technology training (both classroom and on-the-job), technology studies, project management, technology advisory roles, quality assurance support and technology facilities management, when appropriate, are within VITA's statutory procurement authority.

### **1.7.2 Telecommunications**

[§2.2-2011](#) of the *Code of Virginia* provides that VITA shall have statutory procurement authority over interconnective telecommunications facilities, telephones, automated data processing and other communications equipment and goods. [§2.2-2006](#) of the *Code of Virginia* defines "telecommunications" as any origination, transmission, emission, or reception of signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical or other electromagnetic systems. Telecommunications also encompasses the equipment and means to provide telecommunications transmission facilities; telephone systems, including voice processing systems; data networks and systems; facsimile systems; radio paging services; satellite radio, telephone, and dispatch services; mobile telephone services, including cellular mobile telephone services; intercom and paging systems; video teleconferencing systems; personal communications networks and services; and any and all systems based on emerging and future telecommunications technologies related to any of these devices or services.

### **1.7.3 Internet and application service providers**

VITA also has statutory procurement authority over services offered through internet services providers (ISPs) and applications services providers (ASPs). These services include but are not limited to the following examples:

- Internet access and related services packaging
- applications and database hosting/processing
- website development, content management and hosting
- E-mail hosting; equipment co-location services
- data back-up and recovery services
- disaster recovery services
- business continuation services
- network operations center services
- electronic payment processing
- systems and security administration
- IT services performed by others such as a managed service provider
- applications provided through a third-party provider such as software-as-a-service

### **1.7.4 Printers/copiers**

VITA has statutory procurement authority over the procurement of printers. As of January 1, 2008, per an agreement between the Department of General Services and VITA, VITA will also have sole procurement authority over copiers, including multi-function devices. Effective June, 2008, the IT consumables list has been updated to include Printers. Procurement authority is delegated to executive branch agencies for printers which are not



networked or shared and whose purchase price is up to \$1,000 per order. This means that agencies should order these and other consumables directly, utilizing an "R" code. Please remember that support or assistance will not be available from the VITA/NG Partnership for printers ordered under this delegation. Manufacturer's warranty applies. The consumables list is available on the VITA website [IT Goods and Services List](#).

All network attached printers and multifunction printers are under VITA's authority and should be requested utilizing the VR1 code. A list of choices is provided on the VITA Web site. New printers will have a recurring monthly charge to cover service, support, network access and refresh of the devices. VITA will provide pricing via eVA for the applicable monthly charge.

#### **1.7.5 Document imaging and management**

Document imaging and document management, including hardware, software, imaging services, and/or any other related consulting services, are within the purview of VITA. Equipment and services for analog methods of data imaging and retrieval, such as microfilm, are not within VITA's procurement authority.

#### **1.7.6 IT management and IT consulting contracts**

Procurements of consulting services for a study that is the initial phase of an application development project, for functional or conceptual systems design, data modeling, network design, network security, and technology infrastructure recommendations are examples of consulting contracts that fall under VITA's procurement authority. If the study's primary focus is technology, the services should be procured through VITA's statewide IT services contracts. If the customer is uncertain whether VITA's procurement authority applies to a specific project, the customer may contact SCM at [SCMpolicy&compliance@vita.virginia.gov](mailto:SCMpolicy&compliance@vita.virginia.gov). Results from general management consulting may recommend the purchase or creation of an IT system or technology. Regardless of the procurement mechanism used for the management consulting contract, any resulting technology purchases or IT systems are within VITA's procurement authority.

#### **1.7.7 Miscellaneous**

Other IT and telecommunications goods and services that are within VITA's procurement authority include:

- Geographic information systems services (GIS) systems and equipment;
- IT goods and services that support public broadcasting, radio/TV broadcast equipment (i.e. one-way transmission)
- IT-based badging systems
- 2-way satellite equipment
- Equipment needed to create, edit, and/or broadcast audio/video programming
- Digital x-ray equipment
- Online research or educational material (standard "off the shelf" delivery of static information without customized or interactive functionality) such as:
  - Electronic magazines
  - Electronic databases: Lexis/Nexis, Westlaw, Solinet
  - Electronic textbooks or reference material

#### **1.8 Procurements not subject to VITA's procurement authority**

Equipment, software or services for a specialized application whose primary function or purpose is other than IT and for which any IT functionality or component is secondary or incidental to the equipment's primary function may be outside the purview of VITA's procurement authority. Below is a partial list of items and services about which frequent

questions are asked regarding VITA authority. The list is not exhaustive and may be updated as new situations arise (refer to [IT Goods and Services List](#)). The following procurements are delegated to agencies and do not need to be processed through VITA—only [eVA](#):

Product	Examples
Computer office supplies	<ul style="list-style-type: none"> <li>• Printer toner cartridges</li> <li>• Computer paper</li> </ul>
Computer furniture	<ul style="list-style-type: none"> <li>• Computer desks</li> <li>• Computer cabinets</li> </ul>
Computer accessories	<ul style="list-style-type: none"> <li>• Printer paper trays</li> <li>• Envelope feeders</li> <li>• Power strips</li> <li>• Surge protectors</li> </ul>
Technology reference manuals: hardcopy or electronic	<ul style="list-style-type: none"> <li>• User manuals</li> <li>• Technical manuals</li> </ul>
Radar equipment	
Microfilm and other analog image storage media	<ul style="list-style-type: none"> <li>• Microfilm/microfiche viewing and duplicating equipment</li> <li>• Microfilm cameras</li> <li>• Digital indexing systems for analog storage media</li> </ul>
Digital cameras and self-contained surveillance equipment NOTE: Surveillance systems for which devices have assigned IP addresses or have a network connection may fall under VITA's purview.	<ul style="list-style-type: none"> <li>• Surveillance cameras</li> <li>• Video monitors</li> <li>• Audio/visual needs associated with surveillance equipment</li> </ul>
Satellite dishes for receipt of television broadcast programming; Satellite transmission and reception systems for communication facilities	
Services	Examples
Classroom or individual training on IT or telecommunications hardware or software	<ul style="list-style-type: none"> <li>• Applications training</li> <li>• Scanning, printing, etc.</li> </ul>
Technology services provided by non-IT contract employees are not within VITA's procurement authority. IT services provided by independent contractors DO fall under the purview of VITA	

## 1.9 Authority to contract for IT goods and services

### 1.9.1 Authority to bind the Commonwealth to an IT contract

Only the CIO or a member of the Information Technology Investment Board (ITIB) has the statutory authority to create or delegate the authority to create statewide IT contracts. Only the CIO and the ITIB can execute or delegate the authority to execute statewide IT contracts.



### **1.9.2 Authority to bind VITA to an IT contract**

Only the CIO or a member of the ITIB or their designee has the statutory authority to bind VITA to a contract or to contract for the payment of VITA funds to any entity. The CIO may delegate contract signature authority to specific named positions or individuals. (See [§2.2-604](#).) Only those agencies or institutions with specific delegated signature authority from the CIO or the ITIB may bind VITA to a contract or any variation thereof.

### **1.9.3 Authority of executive branch agencies or institutions of higher education to sign an IT contract**

The agency may enter into an IT contract if the amount of the contract is within the agency's delegated authority or if VITA has delegated a specific procurement back to an agency. However, executive branch agencies do not have the authority to procure or contract for IT goods or services of any amount, unless such procurement authority has been delegated to it by VITA.

### **1.9.4 Other public bodies' authority to sign an IT contract**

Non-executive branch agencies (including non-exempt institutions of higher education) are not subject to VITA's procurement authority and may procure and contract for IT goods and services for their own entities as needed.

## **1.10 CIO approval of certain IT and telecommunications procurements**

It has been widely recognized throughout the Commonwealth that significant IT savings and efficiencies can be achieved through better procurement of IT and increased project management to avoid duplication of projects and procurements across Commonwealth agencies. The separate purchases of expensive administrative systems and equipment by agencies and departments in lieu of an enterprise-wide approach is not the best use of the Commonwealth's technology dollars and resources. As part of the VITA enabling legislation, the General Assembly has attempted to provide oversight of separate purchases and projects by requiring approval by the CIO prior to the procurement. The CIO reviews each proposed major IT project and procurement over \$100,000 via the APR process (see [VITA: APR Information and Review Status](#)) to ensure that such purchases conform to the statewide IT plan and the agency's IT plan. Agencies with such requests should refer to PMD's policies, standards and guidelines available at: [VITA: Project Management and Oversight](#). Agencies and institutions must request and receive approval from the CIO for the IT projects and procurements discussed in subsections 1.10.1 through 1.10.5.

### **1.10.1 IT Projects and/or procurements proposed by state agencies and institutions exceeding \$100,000**

The CIO shall review such projects and/or procurements and recommend whether they be approved or disapproved. The CIO shall disapprove projects between \$100,000 and \$1 million that do not conform to the statewide IT plan or to the individual plans of state agencies or institutions of higher education. ([§2.2-2007](#)(9) of the *Code of Virginia*)

### **1.10.2 Procurement solicitations involving major IT projects**

The CIO shall have the final authority to approve an IFB or RFP for a major IT project prior to its release and shall approve the proposed contract for the award of the project. A "major information technology project" means any state agency IT project that: (i) is mission critical, (ii) has statewide application, or (iii) has a total estimated cost of more than \$1 million. ([§2.2-2008](#)(4) and [§2.2-2020](#) of the *Code of Virginia*.)

### **1.10.3 Cooperative procurement arrangements or approval to purchase IT or telecommunications from another public body's contract**

If any agency or institution desires to participate in or sponsor a cooperative procurement arrangement for the procurement of IT and telecommunications goods and services, that arrangement must be approved by the CIO, regardless of the amount of the procurement. If a public body desires to purchase IT or telecommunications goods and services, regardless of amount, from another public body's contract, that procurement may be permitted if approved by the CIO. ([§2.2-4304](#) (B) of the *Code of Virginia*.)

#### **1.10.4 GSA schedule 70**

Procurements of IT and telecommunication goods and services of any amount using GSA schedule 70 must be approved by the CIO prior to being procured by any authority, department, agency or institution of the Commonwealth. ([§2.2-4304](#) (C, E) of the *Code of Virginia*.)

#### **1.10.5 Public auction**

A public body which desires to purchase IT and telecommunications goods and services from a public auction sale, including an online public auction, must have the purchase approved in advance of the auction by the CIO, regardless of the amount of the purchase. ([§2.2-4303](#) (I) of the *Code of Virginia*.)

Although agencies and institutions must request CIO approval for some but not all IT and telecommunications procurements, the CIO may disapprove any procurement, regardless of amount, that does not conform to the statewide technology plan or to the individual plans of state agencies or public institutions of higher education. ([§2.2-2012](#)(A) of the *Code of Virginia*.)

### **1.11 Exemptions from VITA's oversight or CIO procurement approval**

§4-5.04(b) (1) (b) of the Appropriations Act specifically exempts certain institutions from VITA and CIO oversight. These exemptions are as follows:

- "Major information technology projects" as defined in [§2.2-2006](#) of the *Code of Virginia* for those specifically named exempted institutions.
- Research projects, research initiatives or instructional programs at public institutions of higher education.
- Any non-major IT project request from the Virginia Community College system or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003. Members of VASCUPP as of July 1, 2003 are recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University and University of Virginia.
- Any institution of higher education that has signed a management agreement with the Commonwealth that meets the requirements provided in [§23-38.88](#) of the *Code of Virginia* and is classified as a "covered institution" is not subject to VITA's oversight or CIO procurement approval.

### **1.12 Agency Procurement Request (APR) process**

The APR process supports the CIO's review and approval of agency technology procurements whose initial investment cost equals or exceeds \$100,000. VITA's Project Management Division (PMD) coordinates the review of APRs and prepares final recommendations to the CIO. The review covers strategy alignment and business case for the procurement, alignment with the enterprise technical architecture and proposed sourcing strategy. See more about this at website locations: [VITA:APR Information and Review Status](#) and [VITA:Project Management and Oversight](#).